



# Reference Papers

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## CANADA AND THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

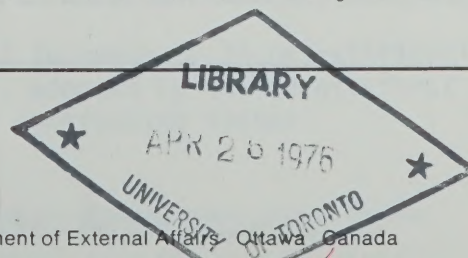
The International Civil Aviation Organization (ICAO) is one of 13 intergovernmental organizations linked with the United Nations through special agreements arranged by the Economic and Social Council and approved by the General Assembly and by the organizations concerned. The Specialized Agencies of the United Nations are expert in their respective fields: labour, health, education, food and agriculture, finance and banking, civil aviation, postal matters, telecommunications, meteorology, international development and maritime matters.

### Need for international action

Civil aviation, which provides a means of moving people and goods at great speed over long distances, presupposes a high degree of international co-operation. The steady improvement and sophistication of aircraft create new demands on communications, weather forecasting, air-traffic control, radio navigation and landing aids, safety standards, and airport facilities for passengers and cargo. The result is a tightly-integrated aviation system the operation of which requires experience and skill of a high order. Civil aviation -- in its present state, at least -- is principally a kind of long-range transport; in most parts of the world, air-routes must cross international boundaries in order to meet customer demands and to ensure economic viability. Safety and regularity, which are essential to efficient air services, require that ground services be first-rate and that the highest standards be maintained in such matters as qualifications for pilots' licences and specifications for the air-worthiness of planes. Regional disparities in aviation development and available resources necessitate close international co-operation and standardization.

### History

These fundamental facts of civil aviation were recognized as early as 1919, when a number of nations attending the Versailles Peace Conference set up the International Commission for Aerial Navigation. This body operated mainly in Europe, where rapid progress in aviation and a multiplicity of national frontiers combined to make the need greatest. Until 1939, there was no serious need for organization on a world-wide basis because the oceans imposed formidable barriers to even the largest aircraft of the day and made inter-



continental flight uneconomical, if not impossible.

The Second World War changed that situation. Within two or three years after 1939, swarms of large aircraft were flying shuttle services across the Atlantic and Pacific, while tremendous technical advances were made under the stimulus of war. Chains of ground facilities were set up by the allied forces to serve the main transoceanic routes and new routes into areas not previously served. At the end of the war, all this technical development was available to the civil air operators. The kind of service they could offer, for which there was now a vastly-increased demand, was superior to their best prewar efforts. In 1946, the first full postwar year, worldwide air traffic was nine times as great as it had been in 1938. It has continued to expand at a remarkable rate, and in 1974 was estimated at 54,730 million ton miles of transportation.

Before the war ended, the allied governments realized that the new capabilities of aviation created new requirements for intergovernmental co-operation. To deal with the whole complex of new problems and to create an environment in which civil aviation could make the maximum contribution in the postwar world, the allied governments met in Chicago in 1944.

The major results of the Chicago conference were the signature of the International Civil Aviation Convention and the establishment of the International Civil Aviation Organization (ICAO), which was founded by the convention. Article 44 of the 1944 convention assigns to ICAO the functions of "developing the principles and techniques of international air navigation and fostering the planning and development of international air transport so as to ensure the safe and orderly growth of international civil aviation throughout the world". It establishes the sovereignty of each government over its own air-space, lists certain basic rights its signatories accord to one another, governs the provision of the facilities needed for international air operations, provides for the peaceful settlement of disputes, and establishes the International Civil Aviation Organization for the promotion and negotiation of the international agreement needed by civil aviation over a great range of legal, economic and technical problems. ICAO met first in Montreal in 1945 as a provisional body. By 1947, when ratifications brought the convention formally into being, it had already gone far in the achievement of its aims.

#### Objects

The aims of the Organization are to develop the principles and

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techniques of international air navigation and to foster the planning and development of international air transport so as to:

- (a) ensure the safe and orderly growth of international civil aviation throughout the world;
- (b) encourage the development of aircraft design and operation for peaceful purposes;
- (c) encourage the development of airways, airports and air-navigation facilities for international civil aviation;
- (d) meet the needs of the peoples of the world for safe regular, efficient and economical air transport;
- (e) prevent economic waste caused by unreasonable competition;
- (f) ensure that the rights of contracting states are respected and that every contracting state has a fair opportunity to operate international airlines;
- (g) avoid discrimination between contracting states;
- (h) promote safety of flight in international air navigation;
- (i) promote the development of all aspects of international civil aeronautics.

#### Structure and activities

The International Civil Aviation Organization has a membership of 129 contracting states. Its machinery consists of:

- (a) *The Assembly*, in which all member states participate. Regular sessions of the Assembly are convened every three years to establish the general policy of the Organization and to approve its budgets. The twenty-first regular session was held in Montreal from September 24 to October 16, 1974. Extraordinary meetings of the Assembly may also be convened in the years intervening between regular sessions on the decision of the Assembly or the Council.
- (b) *The Council*, the executive body of the Organization, which sits in permanent session at the headquarters in Montreal. The Council is currently composed of 30\* members, including ten representatives from each of the following kinds of state:

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\* Council membership will increase to 33 on ratification of an amendment to the Convention, adopted by the twenty-first Assembly, by two-thirds of the ICAO contracting states.

- i) states of chief importance in air transport;
- ii) states (not otherwise included) that make the largest contribution to the provision of facilities for international civil air navigation;
- iii) states (not otherwise included) whose designation will ensure that all major geographical areas of the world are represented.

The Council elects its president for a renewable three-year term. The president is an independent ICAO official not selected from among the state representatives on the Council.

The Council is assisted in its work by a number of subordinate bodies, including the Air Navigation Commission and the Air Transport Committee, which are responsible for technical and economic questions respectively, the Legal Committee, the Joint Support Committee, the Committee on Unlawful Interference, the Finance Committee, and the Working Group on Conditions of Service.

- (c) *The Secretariat* is headed by a Secretary-General elected by the Council, which is the permanent staff of ICAO. It comprises over 900 employees, including headquarters staff, as well as the staff of six regional offices (Paris, Dakar, Cairo, Mexico City, Lima and Bangkok) and the technical-assistance experts on location in developing countries.

International civil aviation has taken on increasing importance and complexity since ICAO's inception in 1947. The membership of ICAO has increased from an original 26 states to 129, a large number of which are developing countries. The scope of the Organization's activities reflects these changes. In the technical field, it seeks international agreement on the requirements of international civil aviation for facilities and services, on the means of providing them and on standardization of equipment and procedures wherever standardization is necessary for safety and regularity. These agreements generally take the form of annexes to the Chicago Convention. The Organization also collects, analyses and makes available to member states a vast amount of information on the technical aspects of civil aviation and provides assistance to members in the training of personnel.

ICAO has not been involved directly in the negotiation between member states of agreements to exchange rights for the operation of commercial air services, but it studies and seeks agreement on other

questions of an economic nature whenever such agreement will facilitate the international operations of airlines. Similarly, it deals with legal questions in cases in which the differing positions of national codes of law are likely to handicap air operations. The results of its legal work usually appear in the form of international conventions open for ratification by all member states.

In the field of technical assistance, ICAO serves as an executing agency for the United Nations Development Program for projects involving civil aviation. ICAO experts have provided technical assistance, including training, in almost every branch of civil aviation, and 600 to 700 fellowships are awarded annually. The Organization also sponsors a number of regional training centres and makes a major contribution in the provision of civil aviation equipment.

In recent years, unlawful interference with international civil aviation, especially hijacking and air sabotage, has become of increasing concern. ICAO has been active in combating such offences, and three important international conventions (Tokyo, 1963, The Hague, 1970, and Montreal, 1971) have been adopted under its auspices. In 1973, an extraordinary session of the Assembly was held in Rome to consider proposals to amend the Chicago Convention to deal with these questions, but no significant agreement was reached.

#### Canadian participation

Since the time they became commercially feasible, aircraft have been of great value in developing the more remote parts of Canada and in bringing the various regions closer together. The size of the country provided unusual opportunities for the development of air services. Canada, as a major trading nation, is interested in the development of fast international transportation, while its geographical position astride important air-routes entails considerable responsibility. The Canadian Government was, therefore, keenly interested in developments leading up to the Chicago Conference, and took a significant part in its proceedings. The choice of Montreal as the site for ICAO headquarters was partly in recognition of Canada's contribution at Chicago.

Canada has been represented on the ICAO Council since its creation as a state of major importance in air transport. Similarly, there has always been a Canadian member of the Air Navigation Commission, and recently the commissioner nominated by Canada served as its president. Canada has always played an active role in the work of the Council and its subsidiary bodies. It has made significant contributions to the development of the technical annexes to the Chicago Convention. It is party to the 1956 agreements on the joint

financing of air-navigation services in Iceland, Greenland and the Faroe Islands, and \$565,000 has been budgeted in the fiscal year 1975-76 to cover the Canadian contribution. Canada has played a major role in international negotiations regarding unlawful interference and is a party to all three ICAO conventions.

Canada contributes on the same basis as other member states to the ICAO regular budget. For 1974 Canada will pay 3.36 per cent of the total assessed budget of \$13,187,000. Canadians occupy important positions in the headquarters Secretariat and Canada continues to provide experts and training under the ICAO technical-assistance program.

As host to ICAO, Canada has undertaken a number of responsibilities *vis-à-vis* the Organization. The Canadian Government contributes substantially to the cost of accommodation at the headquarters premises in Montreal (which will be located at International Aviation Square on Sherbrooke Street by mid-1975). Similarly, certain legal and fiscal immunities are granted to the Secretariat and national delegations represented on Council.